



CITY OF FAIRBORN
Community Development Department
Building Inspection Division

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NOTICE TO APPLICANTS

The following criteria will be used by the Board of Zoning Appeals to consider your variance application.

1179.11 VARIANCES.

The Board of Zoning Appeals shall have the power to authorize upon appeal in specific cases, filed as hereinbefore provided, such variances from the terms, provisions or requirements of this Zoning Code as will not be contrary to the public interest.

(a) Variations on Existing or Proposed Lands, Buildings, Structures, Facilities, Signs and Premises. Where by reason of the unusual shape of a specific piece of property on the effective date of this Zoning Code, or by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, the strict application or literal enforcement of the requirements of this Zoning Code would be inequitable, and cause a practical difficulty, unnecessary to carry out the spirit and purpose of this Code, the Board of Zoning Appeals shall have power to authorize a variance from the terms of this Code, so as to relieve such difficulty.

(b) Findings of the Board. No such variance of the provisions or requirements of this Zoning Code shall be authorized by the Board of Zoning Appeals until the Board has collectively considered and weighed all of the following factors, none of which shall be controlling:

- (1) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance;
- (2) Whether the variance is substantial;
- (3) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
- (4) Whether the variance would adversely affect the delivery of government services (i.e., water, sewer, garbage);
- (5) Whether the property owner purchased the property with knowledge of the zoning restriction;
- (6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance;
- (7) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance; and
- (8) Any other relevant factor.

(c) Modifications. In granting a variance, the Board of Zoning Appeals may impose such modifications, safeguards and restrictions upon the premises benefitted by the variance as may be necessary to comply with the standards set forth in this section of the Zoning Code to reduce or minimize potential injurious affects of such variance upon neighboring properties, and to carry out the general purpose and intent of this Zoning Code. Such modifications, safeguards and restrictions may be in the form of approval of a lesser variance for the projection, height or size of an existing or new building, structure, facility or sign than requested by the applicant, however, may not result in a "use" variance as prohibited by Section [1179.11\(d\)](#) of the Zoning Code.

**INSTRUCTIONS FOR MAKING APPEAL/VARIANCE TO
BOARD OF ZONING APPEALS
FAIRBORN, OHIO**

1. Failure to file an appeal in accordance with these provisions is basis for the application to be rejected, or for the appeal to be denied.
2. Complete the appeal form in its entirety with special emphasis on the **reasons** for seeking an appeal for “interpretation”, “special exception” or “variance”.
3. Include the following with the appeal forms:
 - A. \$100.00 fee required to file the appeal.
 - B. Drawings containing **a plot plan drawn to scale, showing the actual shape and dimensions of the lot, the principal building and accessory buildings existing on the lot, and the lines within which the proposed buildings shall be erected or altered.** A list of **owners’ names and mailing addresses on each lot adjacent to your lot,** even through the property may be vacant.

All drawings and records submitted or displayed at the hearing shall be retained by the Board as part of the permanent case record.

4. File the appeal with the Chief Building Official of the City of Fairborn, Ohio, 44 West Hebble Avenue.
5. Appeals **MUST** be in the office of the Building Inspector by the **Third Wednesday of the month** to be heard at the following BZA meeting.
6. You will be advised in writing as to the date your case will be heard by the Board. Normally, meetings are scheduled for the third Tuesday of the month. Adjoining property owners for whom you have furnished addresses will also be notified.
7. After receipt of the application, each case must be advertised by the City of Fairborn at least five (5) days in advance of the hearing date (third Tuesday of the month).
8. The Board requires a representative of each party making an appeal to be present at the meeting in order to answer questions and/or objections.
9. The Community Development Staff will prepare a recommendation concerning your request. A copy of the recommendation will be delivered to the listed applicant by the Friday preceding the hearing. If you wish to receive a copy of the recommendation earlier than normal mail service, you may make arrangements to obtain the recommendation personally by calling 754-3050.

The Board of Zoning Appeals is authorized to grant Variances ONLY when the Board is satisfied that such Variance will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty.



APPLICATION FOR BOARD OF ZONING APPEALS

Date Received:	_____
Case No.	_____
Filing Fee:	_____
Date Advertised:	_____
Hearing Date:	_____

The undersigned hereby appeals to the **Board of Zoning Appeals** for authorization of:

- Building Permit
- Certificate of Occupancy
- Temporary Use Certificate
- Appeal by Chief Building Official or Other Administrative Official

Please read the application fully before completing. This application cannot be processed unless complete with all the required documents attached. If you need any assistance in completing the form, please call the Building Inspection Division at (937) 754-3050.

Address of Property _____ Zoning District _____

Subdivision _____ Lot No _____ Parcel ID No. _____

Name of Property Owner _____ Phone o. _____

Address _____ State _____ Zip Code _____

Name of Applicant _____ Phone No. _____

Address _____ State _____ Zip Code _____

APPLICANT CERTIFICATION

By the signature(s) attached hereto, I (we) certify that the information provided within this application and accompanying documentation is, to the best of my (our) knowledge, true and accurate. Furthermore, I (we) hereby authorize the City of Fairborn staff and/or Board of Zoning Appeals Members to enter the property associated with this application for purposes of conducting necessary site inspections.

By: _____ Signature By: _____ Signature

Printed Name: _____ Printed Name: _____

Date: _____ Date: _____

DESCRIBE HOW THIS PROPERTY MEETS THE QUESTIONS LISTED BELOW. BE SPECIFIC.

Literal enforcement of the ordinance would involve “practical difficulty” or cause “unnecessary hardship” which the ordinance wording did not consider.

The practical difficulty and unnecessary hardship is a unique situation to this property and very few others. (If the situation is not exceptional, the proper channel is for the applicant to request an amendment of the Zoning Ordinance from the Planning Board.)

Denial of the variance would take substantially away from the applicant his property rights compared to other properties in the same zoning district.

Granting the variance will not substantially injure surrounding property owners or the public interest. (Please check the Comprehensive Plan, as well as the Zoning Ordinance, to determine whether a variance will affect community goals.)
